

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN DOE, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

Civil Action No. 2:17-cv-00178JLR

JEWISH FAMILY SERVICE OF
SEATTLE, et al.,

Plaintiffs,

v.

DONALD TRUMP, et al.,

Defendants.

Civil Action No. 2:17-cv-01707JLR

**MOTION TO STAY ALL
PROCEEDINGS
IN LIGHT OF LAPSE IN
APPROPRIATIONS
(RELATING TO BOTH CASES)**

1 The Government hereby moves for a stay of all proceedings in the above-captioned case,
 2 to include the Government's February 3, 2019, deadline to complete the supplemental
 3 jurisdictional discovery ordered by this Court on December 20, 2018.

4 1. At the end of the day on December 21, 2018, the appropriations act that had been
 5 funding the Department of Justice expired, and appropriations to the Department lapsed. The
 6 Department does not know when funding will be restored by Congress.

7 2. Absent an appropriation, Department of Justice attorneys are prohibited from
 8 working, even on a voluntary basis, except in very limited circumstances, including "emergencies
 9 involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

10 3. Undersigned counsel for the Department of Justice therefore requests a stay of all
 11 proceedings until Congress has restored appropriations to the Department.

12 4. A stay is particularly appropriate in this case because, given that defense counsel
 13 have been prohibited from working on this matter over the past eleven days, and given further the
 14 time-consuming interrogatory responses and supplemental production that should occur before
 15 the parties schedule the depositions that this Court has authorized,¹ it is unlikely that Defendants
 16 will complete all necessary tasks before the February 3, 2019, deadline, notwithstanding defense
 17 counsel's diligent efforts. For each day that the lapse in appropriations continues, timely
 18 performance by Defendants becomes increasingly impracticable.

19 5. If this motion for a stay is granted, undersigned counsel will notify the Court as
 20 soon as Congress has appropriated funds for the Department. The Government requests that, at
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26 ¹ Plaintiffs' counsel stated in a December 21, 2018, e-mail that Plaintiffs will "want an opportunity to review the documents and data Defendants were just ordered to produce . . . in advance of the depositions, so as to avoid any need to re-open them later."

1 that point, the supplemental discovery deadline be extended commensurate with the duration of
2 the lapse in appropriations.

3 6. In an e-mail dated December 26, 2018, Plaintiffs' counsel stated: "[G]iven the
4 circumstances of our clients and the indefinite nature of the shutdown, we would oppose" a motion
5 to stay.

6 Nevertheless, although we greatly regret any disruption caused to the Court and
7 the other litigants, the Government hereby moves for a stay of all proceedings in this case until
8 Department of Justice attorneys are permitted to resume their usual civil litigation functions.
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10 Dated: January 2, 2019

Respectfully submitted,

11 JOSEPH H. HUNT
12 Assistant Attorney General

13 JOHN R. TYLER
14 Assistant Director, Federal Programs Branch

15 /s/ Joseph C. Dugan
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26

Counsel for Defendant

CERTIFICATE OF SERVICE

I certify that on January 2, 2019, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

DATED this 2nd day of January, 2019.

/s/ Joseph C. Dugan
JOSEPH C. DUGAN